

**UNITED STATES DISTRICT COURT
District of Massachusetts (Eastern)**

**Comcast of Massachusetts/New
Hampshire/Ohio, Inc. ("Comcast")**

Plaintiff,

vs.

Robert Dion

Defendant

) Case No.: **1:04-cv-10423-RWZ**

) **PLAINTIFF'S MOTION TO EXTEND**
) **TIME TO MOVE FOR DEFAULT**
) **JUDGMENT**

NOW COMES Plaintiff in the above-captioned case respectfully requests that this Court to extend the deadline for the Plaintiff to move for Default Judgment to January 15, 2006.

As grounds, the Plaintiff states:

1. In light of recent case law Plaintiff intends to file an Affidavit in support of its Motion for Default Judgment.
2. The Affidavit that the Plaintiff intends to file will be extensive and may require input from an out-of-state employee and/or an out of state office of Comcast.
3. Plaintiff's Counsel requires more time to obtain executed Affidavit.
4. Plaintiff has yet to be contacted by the Defendant or anyone on his behalf.

Certification pursuant to LR D. Mass 7.1 (A) (2)

Plaintiff's Counsel certifies that no one has appeared on the part of the Defendant. Accordingly this motion can go forward.

In further support of this motion, see affidavit of John M. McLaughlin

Respectfully Submitted for the Plaintiff,
By Its Attorney

12/13/05
Date

/s/ John M. McLaughlin
John M. McLaughlin (BBO: 556328)
Green, Miles, Lipton & Fitz-Gibbon LLP
77 Pleasant Street
P.O. Box 210
Northampton, MA 01061-0210
(413) 586-0865

CERTIFICATE OF SERVICE

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 13th day of December 2005, a copy of the foregoing motion and affidavit were sent via U.S. 1st Class mail to

Robert Dion
69 Temple Ave
Winthrop, MA 02152

/s/ John M. McLaughlin
John M. McLaughlin

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**Comcast of Massachusetts/New
Hampshire/Ohio, Inc. ("Comcast")**

Plaintiff,

vs.

Robert Dion

Defendant

) Case No.: **1:04-cv-10423-RWZ**

**AFFIDAVIT OF ATTORNEY IN
SUPPORT OF PLAINTIFF'S MOTION
TO EXTEND TIME TO MOVE FOR
DEFAULT JUDGMENT**

Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action,
and, on oath, states the following:

1. I have been working on the Motion for Default in this action
2. I have determined that in light of some of the more recent case law I should utilize
an affidavit to assist the Court when assessing statutory damages;
3. The affidavit will contain considerable details, about the Defendant's account and
the modified converter/descrambler;
4. I may have to obtain assistance from an out of state office of my client to
complete the affidavit and/or to at least approve the affidavit.
5. In light of these factors I will need more time to complete the affidavit in this
action.
6. I have yet to be contacted by the Defendant or anyone on his behalf.

Subscribed and sworn to, under the pains and penalties of perjury.

Respectfully Submitted for the Plaintiff,
By Its Attorney,

12/13/05

Date

/s/ John M. McLaughlin
John M. McLaughlin (BBO: 556328)
Green Miles Lipton & Fitz-Gibbon LLP
77 Pleasant Street
P.O. Box 210
Northampton, MA 01061
(413) 586-0865